

Serial No. 10/803,799
Docket No. GMC 0026 PA /42320.30/GP-302810

Remarks

Claims 1-44 were pending in the present application. Claims 1, 2, 7, 14, and 15 have been amended. Claims 3, 4, and 16-25 are withdrawn from consideration. Claims 26-44 have been canceled. New claims 45-63 have been added. As a result of this amendment, claims 1, 2, 5-15, and 45-63 are pending. Reexamination and reconsideration are requested in light of the accompanying amendments and remarks.

The rejection of claims 1-15 under 35 U.S.C. § 112, second paragraph as being indefinite has been overcome. The claims have been amended to remove the phrase "selected from." Therefore, Applicant respectfully requests that this rejection be withdrawn.

Claims 1, 14, and 15 have been amended to recite an "anti-methanation agent consisting essentially of copper, or manganese, or iron, or combinations thereof." Support for this amendment can be found in Figs. 2-5 and 7-9.

The rejection of claims 1, 5, 7, and 9-15 under 35 U.S.C. § 102(e) as being anticipated by, or in the alternative, under 35 U.S.C. § 103 (a) as obvious over, Korotkikh has been overcome. Korotkikh teaches a water gas shift catalyst comprising a methane production suppressing effective amount of a basic metal oxide. Abstract.

Korotkikh does not teach or suggest the use of an "anti-methanation agent consisting essentially of copper, or manganese, or iron, or combinations thereof," as claimed. In Korotikh, the methane production suppression agent is a basic metal oxide, such as ZnO. See Abstract, col. 3, lines 5-10, col. 3, lines 66 to col. 4, line 3, col. 6, line 53 to col. 7, line 5, col. 7, lines 28-47, col. 8, lines 25-33, col. 8, lines 41-45, Col. 11, lines 7-13, Figs. 1, 2, and 4, and claim 1.

According to the examiner, "Applicants' argument, that the Fe and Mn in the catalyst of Korotikh et al are not anti-methanation agents as claimed, but are either catalytic agents or promoters, is not convincing, since the Fe and Mn in the catalysts of Korotikh et al would have an anti-methanation effect to no less extent than they would in the catalysts recited in applicants' claims." The examiner offers no support for this statement. The effect of the Fe and Mn in the presence of Korotikh's claimed basic oxide methane-production suppression agent is pure speculation. The examiner's statement is contradicted by Korotikh, which teaches only the basic metal oxide as the methane-production suppression agent, col. 7, lines 28-42, and the Fe and Mn as being used either as catalysts or promoters, col. 7, line 48 to col. 8, line 12. Korotikh

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recognizes that a material can function in different ways. For example, ceria is taught as a support and a promoter. Col. 7, lines 6-11 and col. 7, line 61 to col. 8, line 12. Thus, Korotikh's failure to mention Fe and Mn as methane-production suppression agents clearly suggests they do not function in that way.

Even if the examiner were correct, Korotikh does not anticipate or render obvious the claimed invention. Korotikh requires the use of a basic metal oxide as the methane production suppression agent. The claims, which recite a "high activity water gas shift catalyst system consisting essentially of" the claimed components, preclude the presence of a basic metal oxide.

Therefore, Korotikh does not anticipate or render obvious claims 1, 5, 7, and 9-15.

The rejection of claims 6, and 8 under 35 U.S.C. §103 (a) as obvious over Korotikh is respectfully traversed. As discussed above, Korotikh does not teach or suggest the use of an "anti-methanation agent consisting essentially of copper, or manganese, or iron, or combinations thereof," as claimed. Therefore, Korotikh does not render claims 6, and 8 obvious.

New claims 45-63 recite "an anti-methanation agent comprising copper." Claims 45-63 are consonant with the restriction and species elections previously made. Korotikh does not teach or suggest such an anti-methanation agent. Therefore, new claims 45-63 are patentable over Korotikh.

Claim 1 is a generic claim and is allowable. Applicants respectfully request withdrawal of the species restriction and allowance of claim 3 and 4.

Claim 15 is a linking claim which is allowable. Therefore, Applicants respectfully request withdrawal of the restriction requirement and allowance of claims 16-25.

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CONCLUSION

Applicant respectfully submits that, in view of the above amendment and remarks, the application is now in condition for allowance. Applicant respectfully requests that the claims be passed to allowance.

In any event, Applicants request entry of the amendment as it places the claims in better form for consideration on appeal.

If the Examiner has any questions or comments regarding the present application, he is invited to contact the undersigned attorney at the telephone number indicated below.

Respectfully submitted,
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